IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO NO. 187 OF 1990
DATE OF DECISION 19.7.2006

S.K.Suman

Versus

The State of Punjab and others

Present: Mr. Anil Kheterpal, Advocate
for the appellant.

Ms. Urvashi Dhugga, AAG Punjab

Rajesh Bindal, J.

This order will dispose of FAO Nos. 187 and 188 of 1990.

The claim petitions filed by the appellants were dismissed by the Motor Accident Claims Tribunal, Ludhiana vide its award dated 4.11.1989.

Brief facts as noticed in the award are that Sh. S.K. Suman and Sh. R.S.Bains were travelling in a Maruti Van No. CHK-22 from Jaito, District Faridkot to Chandigarh on 6.6.1997. Mr. Bains was driving the vehicle. When they had left Jagraon town about one kilometer behind them, they found a Punjab Roadways bus No. PUU-3506 moving ahead of them, Mr. Bains blew horn and the driver of the bus gave a clear signal for overtaking the bus. It is alleged that during the process, the bus suddenly turned right and as a result, the car had to be taken to extreme right of the road. In the process it skidded and struck against the tree. It is alleged that the accident had taken place due to rash and negligent driving of bus No. PUU-3506, as a result of which the claimants suffered injuries. The claim petitions in both the cases were dismissed by the learned Tribunal for the reason that firstly it could not be proved that the Punjab Roadways Bus, as stated in the claim petitions, was at all involved in the accident and secondly, that while recording DDR No. 10, at Police station Jagraon on 7.6.1987, Sh. R.S.Bains had specifically mentioned that the driver of the bus was not at fault.

With the assistance of the counsel for the parties, I have gone through the award of the learned Tribunal and the evidence on record. On the point of involvement of bus No. PUU 3506 in the alleged accident,

learned counsel for the respondents has referred to para Nos. 13 and 15 of the award and argued that though both the claimants are well educated as one is an engineering graduate, teaching in Punjab Engineering College and another is an Engineer and Law Graduate, still while recording the DDR Mr. Bains had not even mentioned that the bus involved in the accident belonged to Punjab Roadways what to talk of mentioning the number of the bus. As per the DDR, accident took place at 5.15 P.M. in the evening and it could not be assumed that it was dark and the bus number could not be noted. Not only this the respondents have further placed on record evidence to prove that the alleged bus number PUU 3506 left workshop at 5.15 P.M. on 6.6.1987 to come to bus stand Jagraon to pick up the passengers from there and then to leave for its destination. It reached at Bus Stand Jagraon at 5.25 P.M. and there was no question of this bus being involved in the accident at 5.15 P.M., in an accident which took place about one kilometer away from Jagraon at Jagraon-Ludhiana road.

Though the learned counsel for the appellants made strenuous efforts to substantiate his plea that in fact the accident had taken place and merely because at that moment in DDR it was mentioned by Mr. Bains that there was no fault of the bus, still compensation should be granted.

I do not find any merit in the contention raised by the counsel when the presence of bus, the accident and further even the admission on the part of the claimants in the DDR fault of the driver is not proved. There is no reason for granting compensation to the appellants.

I fully concur with the findings recorded by the Tribunal Accordingly, both the appeals are dismissed.

July 19, 2006 **(RAJESH BINDAL)**
gsv **JUDGE**